

* Whereupon it is ordered, that the said suit heretofore instituted in this Court by Colegate D. Owings against Charlotte C. D. Owings, which was dismissed on the 31st day of August last by order of the said plaintiff, be and the same is hereby reinstated, in all respects, as it stood before it was so dismissed. And it is further ordered, that the commission with the testimony taken under it, which was returned and filed on the 6th day of November last, stand and be available in the said case, subject to all legal exceptions, in like manner as if the same had been returned and filed before the case had been dismissed. **374**

On the 23d of June, 1827, the solicitors of the parties by a writing signed and filed by them, agreed, that all the testimony which had been taken in relation to the application to reinstate the case should be used at the final hearing, in like manner as if it had been taken under a regular commission.

After which the plaintiff's solicitors filed a representation in which they say, that by virtue of the order of the 17th of April, they deem it their duty to state, that the plaintiff had been living in peace and comfort with her daughter Mrs. Nesbit, and on her leaving home to go to the springs for her health, the plaintiff had gone to reside with her daughter Mrs. Goodwin, where she had every attention and comfort she required; that on the plaintiff's expressing a wish to attend a camp-meeting, Mrs. Goodwin had gone with her, but found it necessary for the plaintiff to take shelter from a shower of rain, in the house of a neighbor, when, in the absence of Mrs. Goodwin, the defendant contrived in a rude and covert manner to have the plaintiff put into a carriage and conveyed to the City of Baltimore, and there placed her, against her consent, in a boarding-house, where she could not have those attentions, conveniences, and comforts of which, from her age and infirmities, she stood so much in need; that the defendant, independently of her want of means properly to support her mother, ought not, because of this controversy, to have the care of the plaintiff; and that the real and personal estate of the plaintiff had been and was then much neglected and exposed to waste and loss.

that Boushell was a lunatic, and that a trustee had been appointed, who had failed to give bond as required; whereupon she prayed, that a guardian *ad litem* might be appointed.

KILTY, C., 13th February, 1819.—On considering the above petition, and finding on examination of the proceedings, that a bond has not been filed; and, that therefore there is not, in effect, any trustee capable of acting, it is thought proper, and within the powers of the Court, to appoint a guardian as prayed. It is therefore ordered, that Thomas W. Veasy be and he is hereby appointed guardian for the purpose of answering for the said John Boushell to the bill of complaint of Ann Rothwell in the petition mentioned.